IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24391 of 2008
PREM NATH RAKESH
Versus
THE STATE OF BIHAR
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3. 12.8.2008 Heard.

The case is under section 302 of the Indian Penal Code and the petitioner is accused of having killed his father-in-law so as to usurping his property. The other angle of heightening the fact is that the petitioner has admittedly married out of his caste, the daughter of the deceased and the deceased and his family members were not liking the same. It could be on this account that the murder was planned and executed.

It is true that there is nothing except the confession of one accused or the other recorded by the police. A few words of accusation or the other acts are not leading to a definite conclusion as also not connecting all the accused persons, but the confessional statement , which definitely gives a hint of conspiracy amongst the accused persons so as to killing and getting the job done in a meticulously planned manner, does not permit this Court to direct release of the petitioner.

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The contention is that what for the petitioner could kill his father-in-law , who was a patient of cancer and who could not live for a longer period. It was further contended that this could be the reason that the wife of the deceased sworn an affidavit subsequently during the hearing of the bail petition in the court below that the petitioner did not have any hand in the commission

of the murder.

Learned lower court has rightly held that swearing an affidavit by the widow clearly indicates the reason for it. The story of conspiracy part during the confession cannot be outrightly rejected for the present as regards prayer for bail and considering the same, I am not inclined to direct release of the petitioner on bail presently.

The petition is dismissed.

(Dharnidhar Jha,J)

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